**HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

**WRIT PETITION NO.24798 OF 1995**

**DATE: 29th SEPTEMBER 2006**

Between:
N.M.Kondaiah, son of Vokkaiah,
aged 41 years, resident of Kanigiri,
Prakasam District.

... Petitioner.

And

1. The Depot Manager, Andhra Pradesh
   State Road Transport Corporation,
   Kanigiri Depot, Prakasam district
   and another.

... Respondents.

* * *

**ORDER:**

The petitioner in this writ petition questioned the proceedings of the first respondent dated 24.10.1995 wherein the request of the petitioner to supply certain documents is rejected.

2. The undisputed facts are that the petitioner, following his selection, was appointed as Mechanic Grade II on 14.4.1980. At the relevant point of time he was working in Kanigiri Depot of A.P.S.R.T.C, after preliminary enquiry, the first respondent decided to initiate disciplinary proceedings against the petitioner and the petitioner was served a charge memo dated 17.8.1995 apart from the petitioner being placed under suspension on the same day. The petitioner, in order to give effective explanation to

the charge memo, made representations dated 28.9.1995 and 18.10.1995 to the first respondent requesting him to furnish extract of six documents which are relevant for the purpose of enquiry and for preparing his defence. However, the first respondent, through the impugned proceedings, rejected the said request. The petitioner, aggrieved by the said proceedings, filed the present writ petition.

3. In W.P.M.P.No.30542 of 1995 filed in the writ petition this Court granted stay of all further proceedings in the enquiry by an order 03.11.1995.

4. Heard learned counsel for the petitioner and Standing Counsel for the first respondent.

5. Sri M.Ravindranath Reddy, learned counsel for the petitioner invited my attention to Regulation 12(5) of the Andhra Pradesh State Road Transport Corporation Employees (Classification, Control and Appeal) Regulations, 1967 (for short 'the Regulations'), which reads as under.

> " 12. Procedure for imposing penalties:
>
> (1)……..
> (2)……..
> (3)……..
> (4)……..
> (5) The employee charged shall, if he so desires, for the purpose of preparing his defence, be permitted to inspect and take extracts from such official records as he may specify.

Provided that the Inquiring Authority may, for reasons to be recorded in writing, refuse him such access if in its opinion___

(a) Such records are not relevant for the purpose or it is against the public interest to allow access thereto; or
(b) Such records are of a secret or confidential nature, provided that the substance of such records is communicated to the delinquent employee.

The learned counsel argues that the impugned order by which the first respondent declined the petitioner's request for supplying the documents does not conform to the afore- extracted Regulation. The first respondent has not filed any counter defending the impugned order. The reason mentioned in the order is that the first respondent feels that the same need not be supplied. He, however, mentioned in the order that the petitioner can attend the enquiry and verify the records.

6. I am not at all convinced with the reason given by the first respondent in the impugned proceedings. It is incumbent upon the first respondent to follow the Regulation under which it is obligatory on the part of the first respondent to permit the petitioner to inspect the records and take extracts from the same, if the charged employee requires. The only exceptions envisaged by way of proviso to the said Rule are that either the records sought for by the employee are not relevant for the purpose of enquiry or it is against the public interest to allow access to such records or that such records are of a secret or confidential nature.

7. It is not the case of the first respondent that any or all the exceptions to Rule 12(5) of the Regulations apply to the present case. In view of the same, I am inclined to accept the plea of the petitioner that the petitioner is entitled to inspect and take extracts from the official records, the documents required by him in terms of Rule 12(5) of the Regulations.

8. This is a case where the enquiry, which is initiated against the petitioner, is stalled for a period of eleven years. Not only that the first respondent has acted in violation of Regulation 12(5) by whimsically rejecting the request of the petitioner, but he failed to contest the case by filing a counter-affidavit and seeking vacation of the interim order which is subsisting for eleven long years. Till today no counter has been filed and the first respondent failed to defend his action in arbitrarily rejecting the request of the petitioner. Being an officer of a State owned corporation, the first respondent failed to act with diligence and responsibility. But for the callous approach of the first respondent in not acting in terms of Regulation 12(5), the enquiry proceedings would not have been stalled for as long as eleven years. Under these circumstances, this Court feels that the writ petition deserves to be allowed with exemplary costs.

9. The writ petition is accordingly allowed and the first respondent is directed to pay a sum of Rs.5,000/- (Rupees five thousand only) to the A.P. Legal Services Authority within a period of four weeks. Since the amount to be paid is public money, I feel it appropriate to direct the A.P.S.R.T.C. to recover this amount from the salary of the officer responsible.

**C.V.NAGARJUNA REDDY, J.**

Date: 29th September 2006.
BSB